

Comments To Notice of Proposed Rulemaking FCC 05-143
(WT Docket 05-235)

by

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The following comments are submitted to the Federal Communications Commission in reference to NPRM FCC 05-143 issued on 15 July 2005 concerning proposed changes in 47 CFR Part 97 Applicable to Requirements for Operator Licenses in the Amateur Radio Service.

It has been stated by the Commission in the aforementioned NPRM that it is proposed to eliminate what is now called "Element 1" which is the requirement that those who wish to advance to the General Class and Extra Class level of license must pass. This examination requires the ability to receive the International Morse code at a minimum speed of 5 words per minute. The NPRM states that, in the opinion of the Commission that public interest would be best served by the elimination of this requirement.

It is my opinion that although the elimination of the requirements of Element 1 has been proposed by the Commission in the NPRM, that it would be best for the public interest that such would not be the case. The Commission may believe that the elimination of this requirement is in the best interest of the Commission but, it is my opinion that even if this be the case, that elimination of the requirement for the ability to receive the International Morse code is NOT in the best interest of the public at large.

I do realize that international agreements no longer require knowledge of the International Morse code for operation on frequencies below 30 Megahertz (the requirements for knowledge of the International Morse code for operation on frequencies above 30 Megahertz were eliminated a number of years ago). However, I am of the opinion that the retention of that knowledge is vital for several reasons:

1. Knowledge of the International Morse code sets the Amateur Radio Service aside from all other radio services currently administered by the Federal Communications Commission.
2. It has been proven time and again that the use of continuous wave telegraphy, commonly known as CW, has the ability to allow communications when all other methods fail.

3. In terms of absolute equipment requirements a CW signal requires the minimum expenditure of monies, in fact. a complete station can be built for less than ten dollars. The equipment will be very simple in nature, but the ability to send and receive a CW signal will be accomplished.
4. The ability to send and receive signals using the International Morse code has been an important part of the Amateur Radio Service since the initial creation of the service before World War I.

With the implementation of the Volunteer Examiner as the primary means of administering examinations to those seeking amateur radio licenses, the elimination of Element 1 has no effect on the Commission. That is, no employee or official of the Federal Communications Commission is involved, in any way, with the administering of any tests relating to the International Morse code. As such, eliminating this particular examination does nothing to relieve the workload of the Commission.

It is my personal opinion, that if possible, the requirement for proving knowledge of the International Morse code would be reinstated for all license classes. However, I realize that this is a practical impossibility. My second choice would be for the requirements to remain as present. Again, I also realize that there are numerous amateur radio operators already licensed who have not passed Element 1 and who are clamoring for privileges that include operation on the high frequency bands. Since the requirements for knowledge of the International Morse code were eliminated by the 2003 World Radiocommunication Conference, that those persons do have an argument in favor of allowing them high frequency (below 30 Megahertz) privileges.

As such, I believe that the public interest could be best served by a compromise that would eliminate Element 1 as a requirement for the General Class operator's license and by retaining Element 1 as a requirement for the Extra Class license. In this way privileges allowing high frequency operation could be acquired by those persons who hold a Technician Class (referred to by many as a "no code" Technician Class operator) by passing the theory examination known as Element 3. However, those persons who wish to obtain the highest level of the Amateur Radio Service, the Extra Class, would have to continue to demonstrate a working knowledge of the International Morse code.

In this way both the history / traditions of the Amateur Radio Service would be upheld yet the desires of those persons who are not willing to learn the International Morse code would be accommodated.

In NPRM FCC 05-143 the Commission has chosen not to address the fact that the Federal Communications Commission desires the consolidation of the number of classes of amateur radio operators from the present five to a future three. Various

arguments have been presented to the Commission concerning ways to accomplish the elimination of the two classes of license that are still in effect and are being renewed but are no longer being issued, namely the Novice Class and the Advanced Class. Several persons and organizations have suggested that the Novice Class be upgraded to what was called the Technician Plus which would authorize operation by Novice Class operators on all frequencies above 50 Megahertz and allowing them to keep the present high frequency privileges that they now hold. Although, on the surface, this appears to be a viable plan which would allow the Commission to eliminate this class of license, I can definitely see that the Commission does not wish to "reward" someone with privileges that they most certainly have not earned. It also would not be "fair" to eliminate the license class completely. Therefore, the dilemma of what to do with the Novice Class license is, for the present, to allow those operators with Novice Class licenses to continue to renew their licenses.

As for those persons who currently hold Advanced Class licenses: The Commission has, previously, admitted that those persons holding the Advanced Class license that they have passed a more stringent theory examination than is what is now required for the Extra Class. Those persons holding an Advanced Class license have also already passed an examination that showed a proficiency level in knowledge of the International Morse code that is considerably more difficult than the present Element 1.

Since the Commission has previously expressed a desire to eliminate the Advanced Class license and to eliminate any effort on the part of Federal Communications Commission officials and employees I am proposing the following:

That on adoption of Notice of Proposed Rulemaking that all persons presently holding an Advanced Class license be granted full amateur radio privileges. That is, the privileges of an Advanced Class will be the same as the Extra Class. Then as the holders of the Advanced Class licenses renew that their new license be labeled as Extra Class. In this way there would be no additional workload placed in the officials and employees immediately (like there would be if new Extra Class licenses were immediately issued) and the actual amount of work required would be minimal and would be "drawn out" over the 10-year period that would encompass the transition from Advanced Class to Extra Class.

The Commission has previously allowed those holding a Technician Class license issued before 21 March 1987 to be upgraded to General Class upon application. The reasoning behind this is that those persons had already passed a theory examination equal to the present Element 3 and that they had already passed the 5 words per minute examination concerning the International Morse code that is now the requirement. Since those amateur radio operators who presently hold Advanced Class licenses have, by the Commission's own admission, already passed theory examinations that were more difficult than the present Element 4 and the fact that they have passed a more difficult examination concerning the International Morse code, then those operators should definitely be given the same consideration as those person who held Technician Class licenses issued prior to 21 March 1987.

In summary, these comments to NPRM FCC 05-143 recommend the following:

1. That Element 1, the requirement that provides for proof of knowledge of the International Morse code be retained for at least the Extra Class license.
2. That those amateurs presently holding an Advanced Class license be granted full privileges upon adoption of this NPRM and that when those operators renew their licenses when required by law that their license class then be changed from Advanced Class to Extra Class.

These comments respectfully submitted 25 October 2005 by Glen E. Zook, K9STH

A handwritten signature in black ink, appearing to read 'Glen E. Zook', with a stylized flourish at the end.

Glen E. Zook, K9STH